



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Sanctuary System
Stellwagen Bank National Marine Sanctuary
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17 SAC MINUTES

17th SANCTUARY ADVISORY COUNCIL MEETING
The Commonwealth Museum, Boston, MA
9 November 2005

MINUTES OF MEETING

PRESENT

Regina Asmutis-Silvia	(Alternate to Susan Farady—Conservation)	
Edward Barrett	Member: Mobile Gear Commercial Fishing	
Priscilla Brooks	Member: Conservation	
Dale Brown	(Alternate to Sally Yozell—At-Large)	
David Casoni	(Alternate to William Adler—Fixed Gear Commercial Fishin)	
Deborah Cramer	Member: At-Large	
William Eldridge	Member: Marine Transportation	
Barry Gibson	Member: Recreation	
Paul Howard		(Ex-Officio Member)
Sharon Meeker	(Alternate to Dick Wheeler—Education)	
Steve Milliken	Member: Whale Watching	
LT Paul Murphy	(Designee for RADM David Pekoske)	(Ex-Officio Member)
Judith Pederson	(Alternate to Peter Auster—Research)	
David Pierce	(Designee for Paul Diodati)	(Ex-Officio Member)
Kathi Rodrigues	(Designee for Patricia Kurkul)	(Ex-Officio Member)
Susan Snow-Cotter		(Ex-Officio Member)
Michael Sosik	(Alternate to Barry Gibson—Recreation)	
Steven Tucker	(Alternate to Deborah Cramer—At-Large)	
John Tulik	(Alternate to Kathleen Dolan—Ex-Officio)	
Dick Wheeler	Member: Education	
John Williamson	Member: At-Large	
Sally Yozell	Member: At-Large	

SBNMS and NATIONAL PROGRAM STAFF

Craig MacDonald, Superintendent	Ben Cowie-Haskell	Nathalie Ward
David Wiley	Anne Smrcina	

OTHERS PRESENT

Timothy Feehan, Perot Systems	Chad Demarest	Steven Tucker
Carolyn Segazini	Carole Amlson	Joanne Jouzowski
David Meeker	Michael Wateson	Molly Bolster



I. Welcome, Review of Agenda and Approval of 16th SAC Minutes (John Williamson)

Welcome and Recognition

Due to travel delays for John Williamson, Sally Yozell opened the meeting and welcomed all members to the 17th Stellwagen Bank National Marine Sanctuary (SBNMS) Sanctuary Advisory Council (SAC) meeting. All in attendance were advised that this meeting was being recorded.

Review of Agenda

The agenda was reviewed and accepted by the SAC.

Approval of 16th SAC Minutes

The minutes of the of the 14th SAC Meeting were accepted by the SAC as presented.

II. Old and New Business (John Williamson)

SBNMS Vision Unpacking

Sally Yozell briefly reviewed the Vision Unpacking document. As part of the Sanctuary Vision that was approved at the last meeting, a Vision Unpacking document was prepared by Kent Thornton. This document explains, in detail, the definitions of items stated in the Sanctuary Vision as agreed upon by SAC members. Copies of the Vision Unpacking document were provided to SAC members via email prior to the meeting.

SAC Recruitment

One seat and one alternate position still remain open. Sally Yozell requested that members try to identify persons to fill the open Business and Industry seat, as well as the alternate position for an Education seat. It was expressed that the Business and Industry seat should be comprised of someone who is involved with small boating or tourism. The Business and Industry seat is intended for someone involved in something like the Massachusetts Marine Trades Association. Applications will be provided to those members who wish to fill them out.

SAC Chair and Coordinator's Meeting (24 April)

On April 24, 2006, the next SAC Chair and Coordinator's Meeting will be held in Washington D.C. For this upcoming meeting, one other SAC member will be needed to attend along with the SAC Chair. Sally Yozell explained that the trip would be paid for by the National Marine Sanctuary Program (NMSP). She asked all members to spend some time thinking about who should attend this meeting. The current budgetary conditions and the shift toward regionalization makes it important to have a strong contingency at this meeting.

SAC Meetings 2005-2006

The Draft Management Plan (MP) is scheduled to be released in March or April 2006. Sally Yozell expressed that it would be important to have a meeting prior to the release and another soon after. Potentially, January 24, 2006 could be held as a date for the next meeting; however, this date can be modified to coincide with the release of the Federal Register in early February. The tentative dates for the next 2 SAC meetings are:

- 24 January, 2006
- 30 May, 2006

Sally Yozell also introduce Carolyn Segazini from the University of Michigan. Carolyn is involved in a Graduate Student Research Group that is currently looking at collaborative research management. Currently, Carolyn is researching the SBNMS, specifically looking into the management process and the challenges that management faces. Carolyn noted that a survey had been released to the NMSP and that

the SBNMS had the highest survey response rate of all the sanctuaries. She also noted that individual calls to SAC membership would be ending by the end of the month.

III. Sanctuary Report (Craig MacDonald)

Leadership Team Meeting

Craig Macdonald provided information on the Leadership Team meeting. This meeting occurs once a year in September. The last meeting, in Alpena Michigan, focused on the regionalization of the NMSP. The NMSP now has a regional structure with 4 regions, each region having a regional superintendent. Reed Bohne is the Acting Superintendent of the Northeast Region, in which the SBNMS is located. Reed will be attending one of the next SAC meetings. This regionalization creates another layer of bureaucracy; however, this allows for budgets to be submitted and reviewed regionally and provides a directed group with the responsibility to identify and designate new sites to become sanctuaries.

The "acting" regional positions that are now temporarily filled will eventually be filled by full time employees. Funding for new staff can be added. Each sanctuary receives a base amount of funding and can be supplemented by additional National Program Priority (NPP) funds that are given for specific projects. It is unlikely that funding for the Regional Office will detract from individual sanctuaries, but that remains to be seen.

The move to regionalization also enables the NMSP to grow from a program to a system. Congress is currently looking to add more sanctuaries and the added bureaucratic layer will make this possible. The regional level allows for expansion and will get more backing from Congress.

Sally Yozell moved to recommend that as the regionalization moves forward, funding for the Regional Office should not cut into SBNMS programmatic funds. (**MOTION**) Motion seconded by Paul Howard. The motion was approved by the SAC with the following voting results (see Appendix A for voting record):

- Yea: 10
- Nay: 0
- Abstain: 1

The budget for the NMSP has been released, showing a 15% reduction of base funding. The total budget is \$35.6 million, with a reduction in the order of \$5.3 million. The National Ocean Service (NOS) was reduced overall by roughly \$41 million. The base funding is roughly what it was in 2004. The SBNMS prepared 2 budgets, one taking into consideration the possibility of the reduction in funding. Sanctuary programs can be maintained, but not be expanded.

SBNMS staffing will remain the same; however the need still exists for 3 positions. The SBNMS still needs an Administrative Assistant, an Operations and Facilities Coordinator, and a community ecologist. There is also a need to hire a vessel captain for the new research vessel. The Administrative Assistant and the Operations and Facilities Management Coordinator are an immediate priority and may need to be contracted out. It was suggested by Paul Howard that there is a NOAA Officer by the name of Dan Morris that could be useful in both the Administrative position and the Vessel Captain.

Questions & Answers

Question 1: Regina Asmutis asked if, in the development of the regional structure, there a method for identifying regional accumulative impacts in development?

Answer: Both Sally Yozell and Craig MacDonald answered that as more sanctuaries are added to the system, it is more possible to identify an ecological regional perspective. The sanctuaries on the West Coast offer a good example of this, as they are now more integrated.

Question 2: Susan Snow-Cotter asked that with regional expansion, is there a mandate to better coordinate with other management entities?

Answer: Craig MacDonald and Sally Yozell answered that yes there was.

Question 3: Priscilla Brooks asked if a Congressional Report or a document that described the regional structure could be provided to the SAC?

Answer: Craig MacDonald answered that yes, a draft copy of the Congressional Report and a copy of the description of the regional structure could be provided.

Question 4: Kathi Rodrigues asked if the regional structure added an additional review process?

Answer: Craig MacDonald answered that yes, Regional will add an additional review process. However, this should not be a problem. The Action Regional Superintendent, Reed Bohne, knows the process and only wants to remain informed of what is happening and not interfere.

Question 5: Deborah Kramer asked if there was extra funding that was earmarked for the SBNMS?

Answer: Craig MacDonald answered that this was unknown. Currently, the SBNMS is looking for funding to renovate the boathouse and purchase land facing the boathouse for parking.

Comment: William Eldridge commented that the SBNMS needed a Congressional "champion". Congressman Delahunt was able to provide the SBNMS with property, but has not shown any ownership in the Sanctuary. Senator Kerry could be a possibility, as he has been very supportive. The SBNMS needs Congressional initiatives.

LNG Excelerate: NOAA Comments

Craig MacDonald provided a brief update on the proposals for the Excelerate LNG facility. NOAA comments have been provided concerning the LNG facility. A copy of these comments have been provided to all SAC members. It is important to note that the comments are specifically concerning the adequacy of the Excelerate proposal. The proposal is essentially an application for a permit to proceed with plans for the LNG facility. The proposal itself was an enormous document and the SBNMS had only 7 days to review it and prepare comment. It should also be noted that the coordination between the NOAA Northeast Regional office, Northeast Regional Science Center and the SBNMS to produce the comments was superb.

The comments themselves deal with concerns over what could be filtered out of the water with the facility, noise, the adequacy of data on shipping patterns, the impact on marine mammals (especially where changes in shipping lanes are concerned), and many other items. Excelerate was provided with information on many of these items, but they chose not to include it. Essentially, the process has been accepted and now the proposal resides with the U.S. Coast Guard (USCG). It is expected that the next step in the process should take about 1 year. An Environmental Impact Statement (EIS) will be produced next.

Ben Cowie-Haskell and David Wiley have just met with the Resource Protection folks concerning changing the Transportation Separation Scheme (TSS). NOAA is now considering this proposal. There is currently an effort underway to work with both NOAA and the USCG to make these changes. Changes to the TSS will have a conservation benefit to the ecology of baleen whales, specifically right whales. Changes to the TSS should not have impact on the more northern Neptune proposed facility, but there is a proposal for a more northern change to the TSS that could have impact. There are also 2 other sites that the State of Massachusetts is reviewing, but there is currently no push for looking at the actual regional

need for natural gas capacity. Now the NOS General Council and the State of Massachusetts is looking to have a cumulative impact assessment done. It is important that the energy needs issue be examined. This should be a topic of discussion for the next SAC Meeting, and it could be helpful if Reed Bohne was in attendance.

Questions & Answers

Question 1: Judy Pederson asked if the report from Excelerate was science based and if so, did the science have substance?

Answer: Craig MacDonald answered that with the actual application of 175 pages, 100-150 pages were science based. However, the application was not well outlined and not very well organized. Some information was complete, other information was not very complete. The comment process is designed to flush out the areas in need of more information.

Comment: Regina Asmutis commented that cumulative impact is a huge issue. Much of the data used was over 10 years old. Data used was selective and no new data was collected. The only comparative study was to compare the site to Seabrook.

Comment: Susan Snow-Cotter commented that the New England area was not used to dealing with the Deepwater Port Act.. Also, she commented that the market in the area could probably not support 2 facilities. The demand is not there.

Comment: William Eldridge commented that this was a race between 4 competing proposals. There is a real need for more natural gas in the region, but not enough of a demand to support 4 sites.

Question 2: Priscilla Brooks asked that considering the proposed changes to the TSS, how long is that process, and how will that work with the one year process of approving the Excelerate proposal?

Answer: David Wiley answered that the TSS proposed changes will take 2-3 years as the changes need to go to the International Maritime Organization (IMO) and then back again. The Coast Guard is considering it, but an official proposal does not exist yet and that is a problem.

Comment: Sally Yozell commented that the NOS General Council should be asked about what the process is when dealing with a proposal with a one year process that could be dependant on a separate process that can take up to 3 years.

Comment: Judy Peterson requested that a short, 2 page fact sheet should be developed that compared the TSS proposed changes. This would be helpful to the SAC to provide information and help with decision making.

Management Plan: Update

Craig MacDonald provided a brief update on the status of the Management Plan. Currently, the Action Plan section of the document was being reviewed by the NMSP. The Draft Management Plan was being reviewed internally by the SBNMS. The current timeline for completion is dependant on whether an EIS or Environmental Assessment (EA) is needed. This is uncertain at this time. By the end of November, the sanctuary should have more clarity on this issue. It is hoped that the whole document will be made available to Headquarters by January or February. From there it will have a 90-120 day review, and then out for public comment.

Questions & Answers

Question 1: Susan Snow-Cotter asked if there was a specific point person at the SBNMS for the Management Plan?

Answer: Craig MacDonald answered that basically everyone at the SBNMS was involved in the process, but Ben Cowie-Haskell was the point person.

Question 2: Barry Gibson asked how the process compared to the original timeline?

Answer: Craig MacDonald answered that the SBNMS is 6-7 months off schedule. Other sanctuaries have been quick to produce a Management Plan and others have taken more time; however, even the quickly produced plans have had NEPA issues that have delayed the process by 1-2 years at Headquarters. If an EIS is needed, there could be more delay

Zoning Working Group: Update

Ben Cowie-Haskell gave an update on the progress of the Zoning (Z) Working Group (WG). The Z WG was initially a recommendation from the Ecosystem-Based Management Action Plan. At the request of the SAC, the Z WG was being implemented now, prior to the finalization of the Management Plan. To date, one meeting has convened on May 31, 2005. The next meeting has been scheduled for November 29, 2005 and will focus on the definition of Ecological Integrity and how it applies to the SBNMS.

SBNMS Status Assessment (Ben Cowie-Haskell)

Ben Cowie-Haskell provided an overview on the SBNMS Condition Report. A copy was provided to members of the SAC for their review. This was a NMSP initiative, using the SBNMS as a case study for this prototype. Clancy Environmental Consultants was contracted by the NMSP to develop a standardized method for determining site status for all sanctuaries.

Background

In the Summer 2004 the NMSP launched a System-wide Monitoring Program (SWiM) for the sanctuary system. The Goal of SWiM is to provide a consistent approach to the design, implementation, and reporting of environmental condition from sanctuaries while allowing for tailored monitoring at individual sites. Site-specific condition reports will feed into the SWiM report, allowing for regional and national reports on environmental conditions at larger scales.

SBNMS Condition Report

The Condition Report was Commissioned in October 2004 and is to serve as a prototype for the entire sanctuary system. Clancy Environmental Consultants was contracted by the NMSP Headquarters to produce the draft report. The report criteria is as follows:

- Must based on existing data
- Must be useful for the sanctuary
- Ability to integrate into a national assessment
- Link the document to the SWiM Framework
- Staff assessments based on standardized rating scheme developed by NMSP
- No more than 20 pages per sanctuary

The report is designed as a report to the public and is not a scientific document. It is intended to serve as a companion document to management plans. This document will, with the management plans, be updated every 5 years. The report follows a Pressure-State-Response Framework which is defined as follows:

- **Pressure** - *human activities exert pressures* (such as pollution emissions or land use changes) on the environment, which can
- **State** - *induce changes in the state of the environment* (for example, changes in ambient pollutant levels, species diversity, habitat complexity, etc.).
- **Response** - *Society then responds* to changes in pressures or state with environmental and economic policies and programs intended to prevent, reduce or mitigate pressures and/or environmental damage.

The draft report has a number of caveats:

- Not a scientific report
- Qualitative assessment of condition
- Staff assessments of resource condition and trends based on best available knowledge
- Not intended to be a consensus document
- Acknowledgement that report will evolve over time as information becomes more robust but that a baseline needed to be established

The report will also follow a general outline:

- Background
- Sanctuary Description
- Major Concerns and Issues
- History and Demographics
- Pressures
- State
- Response
- Appendices

Sally Yozell moved to have members send specific comments concerning the SBNMS Condition Report to both Ben Cowie-Haskell and Craig MacDonald by December 12, 2005. (***MOTION***)

Discussion: The SBNMS Condition Report was discussed by Regina Asmutis-Silvia, Sally Yozell, Judy Pederson, Paul Howard, Ed Barrett, Debi Cramer, Priscilla Brooks, Kathi Rodriguez, Craig MacDonald and Ben Cowie-Haskell.

SAC members concerned that items like the condition of water quality did not identify temperature, plankton or atmospheric conditions. These members were also concerned that the findings were based on limited monitoring and data. It was explained that the MWRA monitoring served as a source for data and that no atmospheric data was available. The report was mediated by the available data. It was suggested that plankton be given its own section. It was also suggested that the USGS had a large database on water quality; however prior dates may not contain valid data due to changes in sampling methods and analysis sensitivity.

It was explained that this report was contracted by NMSP Headquarters to develop a standardized report on condition. Clancy Environmental Consultants was contracted to develop a method of putting the document together using a specific list of questions. The document is based on executive opinion and surveys with standardized rating questions. The report was not limited to pier-reviewed data only. It was open to interpretation by sanctuary staff. The SBNMS has no steering committee in existence to gather pier-reviewed data to be incorporated into public documents.

Craig MacDonald summarized the concerns of discussion as the concept to be good, but that the packaging and process needed work. Members were concerned that the report should be based on measurable criteria with set goals that are based on science. However, not everything within the sanctuary is quantifiable. Items like the TSS are still indeterminate, but the calendar demands conclusion. The TSS is being implemented based on work that has been done to date. There are issues dealing with sociology and anthropology that deal with values and interpretations. These need to be combined with science to form opinion. The Management Plan process has provided information that is being used in the Condition Report.

Comment: Paul Howard commented that the New England Fishery Management Council (NEFMC) has rigorous standards for data quality based on the Data Quality Act. Government agencies need to have a process to review data before releasing information in a public document. Also, the purpose for the document needs to be known. It would not be a good thing to use the draft Condition Report as a baseline that would affect human uses. The benefits of human uses to the region must be shown. Also, the Admiral is keen on measuring performance to determine levels of new funding. The SBNMS needs to identify good measurements, but be careful in what is measured to describe progress.

Comment: Debi Cramer expressed that this type of document would be a powerful education document to provide to the general public. It would raise public opinion, which is beneficial to the sanctuary. If it were developed in a similar fashion as the Chesapeake Bay Foundation's report, and based on science, could show how numbers change over the years. Characteristics of the sanctuary would need to be identified. The sub-group for the Z WG developed a good list and should be reviewed. It is an effective political tool, and a good idea, but needs work.

Comment: Priscilla Brooks commented that generally, the draft Condition Report was a good idea. It is a good step forward, but leaves a great deal of questions. The report needs more detail.

The motion was accepted by the SAC with the following voting results (see Appendix A for voting record):

- Yea: 12
- Nay: 0
- Abstain: 0

IV. SBNMS Website Update

Anne Smrcina provided an update on progress towards moving the website to a new format. There have been a number of issues that have made updating information to the old site nearly impossible. The computer used to do website updating died and the process of having NMSP Headquarters update the site caused many delays. Also, the old site caused problems with using different website browsing software.

NMSP Headquarters has now developed a new website template and work has begun to migrate content to the new template. Mike Thompson, a PSGS subcontractor, has been brought on site at the SBNMS to assist in updating the website. His time will be split between providing GIS support and updating the website.

Development Schedule

The schedule for developing and up dating the new website is as follows:

- Partner with NMS HQ to develop sanctuary web site design and navigation standards 2004-2005 (programming support, dedicated server)
- Develop site navigation with staff – 8/05
- Acquire new and reconfigured hardware – 9/05 (reconfigured Mac, new PC, new laptop, additional PC, flatbed scanner)
- Acquire web authoring and graphics software packages – 9/05 (GoLive, Dreamweaver, Photoshop, Illustrator)
- Add web programming technical support to staff – 10/05 (Michael Thompson – PSGS, Artie Sharpe – CRG)

- Develop templates for home, section and content pages – 11/05 (36 separate pages)
- Initiate migration of old pages and develop new content – 11/05 (on-going process)

Priority List

Website content will be migrated to the new site template with the following priority:

- Home Page
- About the Sanctuary
- Management
- News & Events
- Get Involved
- Visitor Information
- All others:
Education, Science, Maritime Heritage,
Resource Protection, Galleries, Library

Site Navigation

The many topics within the SBNMS made organizing the new website quite difficult. The new website will be arranged according to the following Site Map; second level navigation will appear in the left hand navigation column on a limited basis and will be expanded as content pages are developed:

Home

About the Sanctuary

Location
Office
Staff
Vessels
FAQs
Quiz
Key Resources
History
Tales from Middle
Bank Partners
National Program

Visitor Information

Sea & Weather Conditions
Exhibits
Virtual Tours
Ocean Etiquette
Birdwatching
Boating
Diving
Fishing
Whalewatching

Education

For Teachers
For Students
For Naturalists
Adult Education

Sanc. Encyclopedia
Expeditions

Science

Site Characterization
Research Programs
Technology
Cruises
Monitoring Prog.
Databases

Management

Current Mgmt
Sanc. Assessment
Mgmt Plan Review
Management Plan
Advisory Council

Maritime Heritage

Maritime History
Maritime Arch.
Shipwreck Database
Cruises/Projects

Resource Protection

Regs & Guidelines
Enforcement
Resource Use
Incident Response
Contingency Plans

Reporting Violations

News & Events

News Releases
For Media
Calendar
Special Events

Galleries

Photos
Videos
Sounds
Maps/GIS
Art
Poetry

Library

Newsletters
Data Sheets
Technical Reports
Forms
Bibliography

Get Involved

Volunteers
Friends Group
NMS Foundation
NOAA Jobs
Donations

Questions & Answers

Question 1: John Williamson asked if there was a content threshold to cross before making the new website live?

Answer: Anne Smrcina answered that a significant portion of the 5 major content in the priority list would need to be filled before making the new site live. As yet, no timeframe could be given as to when this would happen.

Question 2: John Williamson asked if SAC documents could be updated frequently and be kept up to date?

Answer: Anne Smrcina answered that all content in the website could be updated on a daily basis. Anne and Craig would need to approve content, and then the updates would have to go to NMSP Headquarters to be updated to the server. There is now an assistant at Headquarters, so content can be posted within one day. It should also be noted that the SBNMS is the first sanctuary to apply the new website format.

V. Constituent Reports

Education (Sharon Meeker and Dick Wheeler)

Sharon Meeker and Dick Wheeler provided an update on education activities within the area concerning the SBNMS. It was also noted that the National Marine Education Conference would be meeting next year in Portland, ME, during the third week of July. It was suggested by Sharon that representatives from the SBNMS should attend.

Activities in the Gulf of Maine (GOM) Region

The Cape Cod Museum of Natural History has developed an outreach program, in conjunction with the sanctuary. The museum has provided logistical services and Anne Smrcina has put in a tremendous effort to push the program. A course was developed, gathering a number of guest speakers. This education course was a success, having over 70 participants signing up and attending.

The Gundalow Project

Molly Bolster, the Executive Director of the Gundalow Company, provided information on a unique maritime history and education project currently underway in New Hampshire and Maine.

The gundalow is a type of flat-bottomed sailing cargo barge designed to take advantage of the swift tidal currents of the Piscataqua River. From 1650-1900, there were hundreds of gundalows carrying timber,

granite, firewood, salt marsh hay, bricks and fresh produce between Portsmouth, NH, and all the river front towns in the Piscataqua River region. These vessels navigated with the tide and could access shallow rivers where large ships could not sail.

The only remaining gundalow was built in 1982 and named in honor of the region's last gundalow builder, Capt. Edward H. Adams. Today, the replica gundalow is operated by the nonprofit Gundalow Company as platform for maritime history and environmental education programs. The Project visits 10-12 locations each summer.

Cod Workshop (David Pierce)

David Pierce provided a summary of efforts to protect spawning areas for the GOM Cod Stock by implementing a seasonal Massachusetts Bay (MassBay) Cod Conservation Zone (CCZ).

Objectives

The goal of creating a CCZ is to protect a vital remnant of the GOM cod stock. We looked a parallels between the Northern cod stock and the GOM, using input from DFO Canada. This lead to the proposed CCZ to protect pre-spawn cod. The objective of the CCZ would be to:

- Reduce fishing effort and disturbance on pre-spawning and spawning aggregations of cod to promote increased spawning success
- Reduce GOM cod fishing mortality
 - Reduce fishing on pre-spawning and spawning aggregations of cod in MassBay state waters
 - Restrict growing non-DAS fishery
 - Reduce effort and mortality on cod resulting from end of October-November rolling closure

Basis for Action

The regulatory history of cod was reviewed which led to a workshop on cod. This step was taken to be proactive and take steps to preserve the GOM cod stock. Historical references state that when spawning, cod would aggregate, or shoal up, into huge groups. It is also noted that there are few very large cod in the GOM. The following reasons form the basis on which action should be taken:

- September GOM Cod Workshop Findings & Conclusions: MassBay cod is a vital remnant deserved of special protection
- GOM cod not immune from stock collapse (near collapse in 1998)
- Stock overfished (less 1/2 SSB_{msy} of 82,830 mt)
- Overfishing (F at 0.61 in 2004; F_{msy} = 0.22)
 - 17% exploitation (0.22)
 - 41% exploitation (0.61)
 - Note: 58% exploitation (1.00)
- GOM cod distribution is still constrained to the Southwest portion of GOM; therefore, rebuilding success is squarely at the doorstep of Massachusetts fishermen and those from other states fishing off our shore or in the nearby EEZ.
- Marine Fisheries and MFAC with history of necessary regulation of cod fishery in MassBay [Note: 2003 closure and 2004 proposed closure with fact-finding for 2005-06 action.]
- NMFS & NEFMC concern about MassBay cod fishery & Advisory Panel recommendation that federal government preempt Commonwealth's state waters to manage GOM cod.

Data is showing that there is an expanded age structure (ages 5 and older) with multiple spawners. It is incumbent for Commonwealth to contribute towards protection of older, multiple-spawning cod found in our waters. The Spawning stock biomass (SSB) is now resembling the age distribution

witnessed in the early 1980s. However, SSB is less than 20,000 mt in 2004 and has declined since upturn in 2001 and must rebuild to about 82,830 mt. Catch is reflecting SSB with greater abundance of older ages.

Mass Bay Cod Conservation Zone

If the CCZ is implemented, from December 1, 2005 to January 15, 2006, no fishing by commercial or recreational fishermen using any gear specifically designed to target groundfish. Areas were identified through survey that contained large amounts of spawning and pre-spawning cod with good size structure off North Shore area of MA. The MA Department of Marine Fisheries is looking to implement a CCZ the would extend from the MA shoreline out to the Territorial Sea, bounded to the North at 42° 30' and bounded to the South at 42° 20'.

Questions & Answers

Question 1: Ed Barrett asked if these fish would ever go back to Maine waters, or could there be a change in climate that is affecting cod stocks?

Answer: David Pierce answered that it could be any number of factors. MA and NH have had closures though. Fish may be fished before establishing spawning stocks.

Question 2: Regina Asmutis-Silvia asked that since good age classes have been found off Boston, what affects could the proposed LNG sites have due to the proximity to spawning areas and the chances of impingement in the LNG open systems?

Answer: David Pierce answered that those questions are still being answered and that information is still being gathered on that topic.

Question 3: Regina Asmutis-Silvia asked why the site was not larger to take into consideration the concentrations of fish off Duxbury and Plymouth?

Answer: David Pierce answered that yes, there were concentrations of Duxbury and Plymouth, but Boston is of the greatest concern. Also, there would be an economic impact with closing more area..

Question 4: Ed Barrett asked if the MWRA outfall pipe could be identified on the chart in conjunction with the CCZ and if there was a radioactive dump site in the area?

Answer: David Pierce could not identify the MWRA outfall pipe within the graphic he provided and was unaware of any radioactive dump site in the area.

Question 5: John Williamson asked that since most of the research was conducted with collaborative research, will such research continue?

Answer: David Pierce answered that this would depend on funding, and could be tied to monitoring plans. The industry-based surveys are conducted to identify the distribution of cod.

Question 6: David Wiley asked if there were any environmental factors such as benthic structure that correlate to the shoaling of spawning cod?

Answer: David Pierce answered that when areas are identified, under-water work will be conducted to determine this. Barry Gibson added that with many of these spawning aggregations, the bottom is featureless. David also added that Canada has shown cod to exhibit homing behavior to specific waters. The Isle of Shoals may have gotten its name from the cod shoaling to spawn. Judy Pederson also added that the fish may be following a food source and that this is something that should be looked at.

VI. NEFMC (Chad Demerest)Herring Amendment 1

Chad Demerest provided an overview of the draft Herring Amendment 1 that has been out for public comment.

Introduction

Draft Herring Amendment 1 and the DSEIS were recently available for public comment through October 24, 2005. The amendment was developed primarily to address capacity in the herring fishery, in addition to other important issues like new stock assessment information, bycatch, and forage. The NEFMC has identified a preferred alternative and preferred independent measures but is seeking comments on all alternatives and measures under consideration. The NEFMC is also seeking comment on information and analyses in the DSEIS for Amendment 1

Management Alternatives

There are seven management alternatives in addition to a no action alternative (Alternative 7 is the Preferred Alternative). These alternatives consist of combinations of limited access (directed and incidental catch permits) and purse seine/fixed gear-only areas. Limited Access Permit Provisions apply to all alternatives that include limited access (p. 7 of A1 Public Hearing Document):

- Proposed to be consistent with other federal limited access programs.
- Eligibility requirements proposed for limited access permits (initial eligibility, fishing history, appeals). Vessel upgrade restrictions, vessel replacement provisions, establishing vessel baselines
- Permit splitting, renewals, CPH permits

Preferred Alternative

The preferred alternative consists of the following:

Category	Measure
Limited Access	Limited Access in All Management Areas
(Area 1 Qualification Criteria)	Current permit requirement plus 500 mt in one year between 1/1/88-9/16/99
(Areas 2/3 Qualification Criteria)	Current permit requirement plus 250 mt in one year between 1/1/88-12/31/03
Limited Access Incidental Catch Permit	15 mt in one year between 1/1/93-12/31/02 15 mt possession limit
PS/FG Only Area	Area 1A June 1 – September 30

Independent Measures

The following independent measures are also under consideration:

- MSY
- Determination of Area-Specific TACs
- TAC Set-Asides for Research
- TAC Set-Asides for Incidental Catch in the Mackerel Fishery
- Timing of Specification Process

- Management Area Boundaries
- Open-Access Incidental Catch Permits
- VMS Requirements
- Vessel Upgrade Rest's
- Measures to Address Fixed Gear Fisheries
- Observer Coverage
- Bycatch Caps
- Midwater Trawl Def.
- Sector Allocation
- Framework Adjustment Measures

Timeline

The following timeline has been established for the draft Amendment 1:

- Public hearings now over (October 2005)
- Comment period ended October 24, 2005
- Herring Committee to meet tomorrow (November 10, 2005) to make final recommendations to Council
- Final recommendations for NEFMC amendment at November 15-17, 2005 NEFMC Meeting
- Staff submits final Amendment 1 document to NMFS early January 2006
- Amendment 1 implementation ASAP, hopefully during 2006 fishing year

More information is available at:
www.nefmc.org/herring

Questions & Answers

Question 1: Craig MacDonald asked if river herring is mixed in with the herring fishery?

Answer: David Pierce answered that the state was still assessing that, but data suggests that the bycatch is very low. However, there is a need to gather more data from other areas, not just the GOM and from other fisheries.

Comment: John Williamson commented that with fishing in the Northeast, there is lots of interaction with the SBNMS and Jeffreys Ledge. This has significance on forage for whales. There is a gear conflict issue raising a question of whether gear types contribute to the localized depletion of the resource, displacing whales and tuna.

Question 2: Craig MacDonald asked if a calculation has been completed that assessed the actual levels of forage needed for whales, not just looking at the amount of forage removed?

Answer: Paul Howard answered that currently, only the amount of biomass removed by predators has been assessed. The science is still being developed and the NEFMC is still looking into this issue.

Updated Status and Milestones of OMNIBUS Habitat Amendment

Chad Demerest continued by providing more information on the OMNIBUS Habitat Amendment.

The Phased Approach

The Essential Fish Habitat (EFH) OMNIBUS Amendment has used a 2 phased approach

- Phase 1:
 - Identify and describe EFH
 - Identify Habitat Areas of Particular Concern (HAPC)
 - Non-fishing impacts
 - Prey species
 - Research/Information needs

- Phase 2:
 - Prevent, mitigate or minimize, to the extent practicable, fishing activities that may adversely impact EFH

Overview of Phase 1

Identification and description of EFH has been started and will follow a complicated process. New England Regional EFH Steering Committee had approval by NRCC in May 2004. Terms of Reference were approved in October, 2004 (modified March, 2005) and the first meeting was held in November, 2004. From there the Habitat Evaluation Working Group worked to inventory and evaluate tools/models that are readily available to identify important fish habitat. In late June, 2005, the HERC Peer Review Workshop provided reviewed methods and short and long term goals to the NEFC. The NEFC then passed it on to the PDT to develop EFH designation alternatives. The development of the Habitat Approach should happen between September 2005 and January 2006. The NEFMC will then approve a range of EFH designations.

To identify HAPC, it is essential for the area to have

- Important current or historic ecological function
- Sensitivity to human-induced stresses
- Extent of current or future development stresses
- Rarity of the habitat type

On March 25, 2005, the request for HAPC proposals was closed, resulting in 6-8 full proposals. The proposals were reviewed through initial PDT and AP review in a joint meeting on April 13, 2005. The PDT then coordinated with the proposers, and the PDT developed evaluation and advice to the Committee. The Committee made recommendations in July, 2005. In August, 2005, the PDT refined proposals into management alternatives. The NEFMC will approve HAPC in December, 2005.

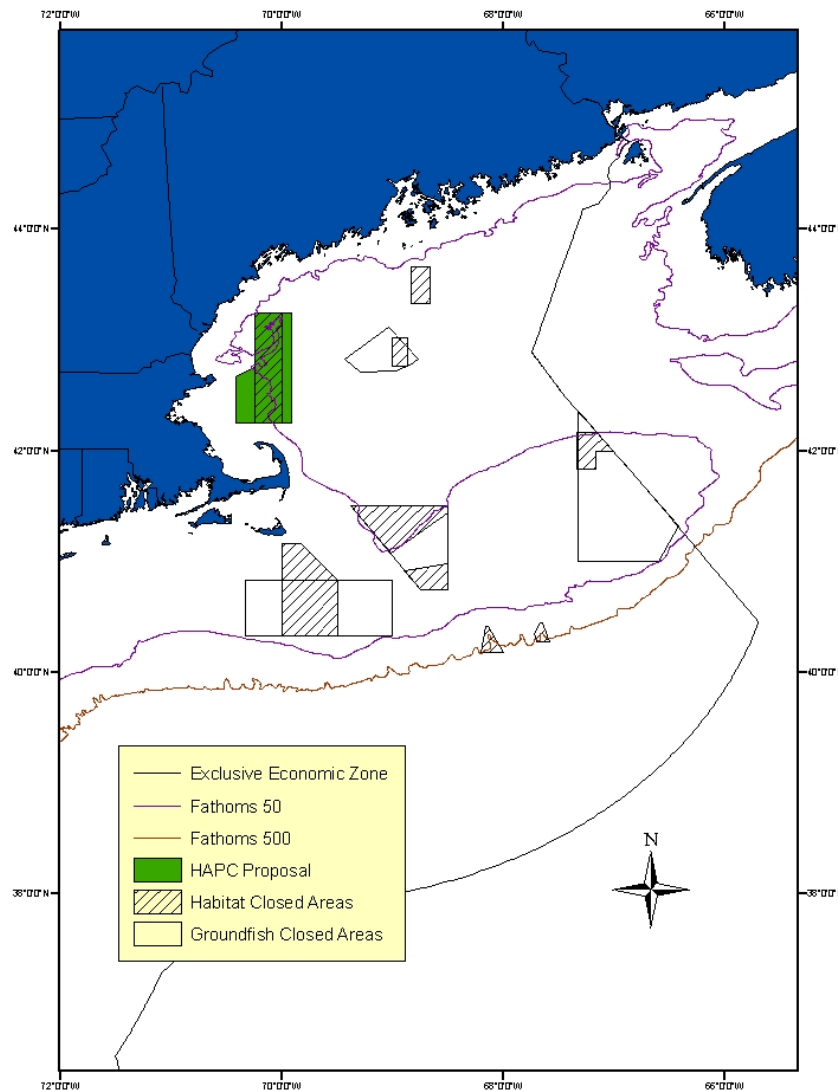
As taken from the proposal to designate portions of Jeffreys Ledge and Stellwagen Bank as an HAPC:

“The objective of this proposal is to designate portions of Jeffreys Ledge and Stellwagen Bank as an HAPC.

As described in further detail below, the Jeffreys Ledge/Stellwagen Bank area contains unique oceanographic characteristics and habitat features that warrant designation. This proposal seeks to formally recognize the biological and ecological importance of unique habitat features found on Jeffreys Ledge and Stellwagen Bank and to assure these unique characteristics are carefully considered when future management decisions are made by the NEFMC, SBNMS, and other regulatory agencies.”

The proposed HAPC areas are still under development (see below) and the boundaries are subject to change by the PDT.

Jeffreys Ledge/Stellwagen Bank HAPC Proposal



For determining non-fishing impacts, the Northeast Regional Non-Fishing Impacts Workshop was conducted in January, 2005. The NERO HCD then analyzed data and reviewed input from participants from February to April, 2005. In December, 2005, the impacts will be reported to the PDT where the PDT/AP will review the document and prepare the appropriate MSA/NEPA documentation. The NEFMC will then provide approval for inclusion in DSEIS in January, 2006.

From November, 2005 to January, 2006, the NEFMC will be working with NEFSC through PDT to evaluate diet composition database, evaluate EFH Source Documents and prepare a section on prey species.

Research and information needs are as follows:

- PDT/AP to review:
 - analysis conducted and approved in recent NEFMC Amendments
 - species specific habitat-related research recommendations in EFH Source Documents

- other relevant sources of research recommendations (e.g. NRC, FAO, etc.)
- Document habitat-related research conducted since Omnibus Amendment 1 in 1998
- Prepare a prioritized list of research and information needs
 - Review by Research Steering Committee and Habitat Committee

Overview of Phase 2

Phase 2 will involve the evaluation of fishing activities and impacts to EFH which includes gear descriptions, habitat descriptions and fishery distribution. A gear effects evaluation review workshop will be conducted. Also, Phase 2 will involve the development of dedicated habitat research areas. There will also be a risk assessment to evaluate vulnerability, habitat availability and recovery of impacts.

More information is available at:
www.nefmc.org/habitat

Questions & Answers

Question 1: Judy Peterson asked if source documents were available?

Answer: Chad Demerest answered that yes, documents were available. They are generated out of the Sandy Hook Lab.

Question 2: Craig MacDonald asked that for dedicated research, how long is needed in an area, and what would be studied?

Answer: Paul Howard answered that roughly 15 years would be needed. Many research activities can be conducted, from fishing gear to ecological relationships.

Comment: John Williamson commented that this type of question has come up often in a number of working groups. There is always questions such as how big of an area, how long to have dedicated research, if there is representative habitat, and what is the proximity to the sanctuary.

Comment: Paul Howard commented that the Council was in Phase 1, picking out areas. Phase 2 will involve voting on measures and the development of an Environmental Impact Statement. The Council is looking to use an ecosystem approach, and this takes time to develop. The Northeast is the first area to do all this, but we are making progress.

Question 3: Deborah Cramer asked if there was anyone from the SBNSM that sat on any of the panels that discussed HAPC, and if the SBNMS was fully staffed and funded to participate in the HAPC process?

Answer: Craig MacDonald answered that Ben Cowie-Haskell has attended meetings. He also stated that the SBNMS was not funded to fully participate.

Ecosystem's Approach to Fisheries Management Project

Chad Demerest continued with an overview of the Ecosystem's Approach to Fisheries Management Project.

Pilot Project

The Ecosystem's Approach to Fisheries Management (EAFM) Project is a pilot project which received a \$2.2 million grant in FY 2004 budget. The project involves the NOS, NOAA Fisheries, and the 4 Councils: Gulf Coast FMC, South Atlantic FMC, Mid-Atlantic FMC, New England FMC. The project will initiate public participation in developing EAFM.

The NOS is working with Councils and NOAA Fisheries to develop GIS tools (Eco-GIS). The tools will aid scientists by increasing the use of spatially explicit models and aid managers by increasing integration/visualization, providing management options and spatially explicit outcomes. NOAA

Fisheries will enhance Regional Ecosystem Governance Structures through Fishery Management Councils by determining management objectives, threats, options, and alternatives and will evaluate the Council's ability to expand its role. NOAA will also develop Quantitative Decision Support Tools such as tools to aid decision makers in evaluating management options (models and GIS). It will also conduct Technical Workshops that will establish dialog between science and management in applying ecosystem principles to fisheries; assess state-of-the-art techniques and determine technical needs. Each of the 4 Councils will conduct an attitudes/values survey and regional stakeholder workshops. Both will solicit feedback from stakeholders on management objectives, use of management "tools", and balance and tradeoffs within New England fishery. The Councils will also conduct a technical needs and inventory of information and provide a synthesis report.

Timeline

The timeline for the project is as follows:

- Survey: awaiting OMB clearance
- Stakeholder workshops:
 - Sept – Nov '05
- Survey results: (?)
- Synthesis report Jan-Feb '06

Workshops

The Workshops will be conducted at the following locations:

- Gouldsboro ME
- Rockland ME
- Portland ME
- Portsmouth NH
- Gloucester MA
- Boston MA
- Hyannis MA
- Fairhaven MA
- Narragansett RI
- Mystic CT

The objectives of the Workshops are to 1) Address EA concepts that stakeholders are uniquely suited to inform; 2) Focus on how management might change under an EA; 3) Engage stakeholders to both foster productive discussion and capture a broad range of views. The topics will include:

- Local or regional ecosystems and issues specific to them
- Ecosystem-level indicators of a healthy fishery
- Community-based or collaborative fisheries management
- Matching management 'tools' to management objectives

Results

For the Workshops, attendance was between 7 and 21 participants / meeting with a total of 128 participants. A wide breadth of ideas have been captured. In general, northern and southern flanks were more receptive, and areas had some difficulty "letting go". The complexity of fishery interactions will make progress difficult

More information is available at:
www.nefmc.org/ecosystems

Questions & Answers

Question 1: Ed Barrett asked if the meetings were well attended? He stated that it didn't seem that the meetings were well publicized and he was concerned that fishing industry participation was low.

Answer: Chad Demerest answered that notices were sent out to all on the NEFMC mailing lists and to permit holders. Assessing the demography of the meetings will be part of the final report.

NEFMC New Marine Protected Areas Policy

Chad Demerest continued with a description of the NEFMC new Marine Protected Areas (MPA) policy.

MPAs in New England

In New England there has been no formal NEFMC policy, strategy, or official position on MPAs as a management tool. The Council completed two MPA education and outreach workshops in May 2005 to solicit input from the public on a Council-MPA policy. The Council then approved a formal MPA policy in September 2005. The legitimacy afforded MPAs by the Executive Order indicates that the Council should increase its involvement.

Role of the NEFMC

The NEFMC role is to develop a strategy on MPAs. The Council will have to better coordinate fishery and non-fishery related MPA activities. It will also need to establish a formal link between the Council and relevant MPA activities and a Federal advisory panel. The NEFMC will also need to ensure coordination with DOC and DOI and keep the public and other agencies informed of Council roles and responsibilities.

MPA Workshops

There were 2 goals for the MPA Workshops:

- To involve stakeholders in the process of developing a draft Council Policy on MPAs by providing a general education on basic ecology, and the role of habitat in fisheries and the science of MPAs
- To provide public input to the council through these workshops for use in the development of a Council policy on MPAs

Two workshops were held in May, 2005. The Workshops had 5 tasks:

- Prior knowledge of MPAs
- Working definition of MPA terms
- Best management practices
- Purposes of MPAs
- Draft Policy*

For prior knowledge, the Workshops identified the areas most often functioning as MPAs:

- Stellwagon Bank National Marine Sanctuary
- WGOM Closed Area
- Cashes Ledge Closed Area
- GB Closed Areas 1 & 2
- Exclusive Economic Zone
- National Estuarine Research Reserves

Then, the Workshops identified the positive and negative impacts of these areas, such as economic gains/losses, protection, effort displacement, fishery productivity.

Executive Order 13158 states:

“Any area of the marine environment that has been reserved by federal, state, territorial, tribal or local laws or regulations to provide lasting protection to part or all of the natural or cultural resources therein”

With this Order, the Workshops needed to identify important terms, those terms that need further definition or interpretation and how the Council should interpret terms. The following terms were identified

- Cultural:
 - Resource utilized by traditional natural resource communities
 - Archeological artifacts or sites such as shipwrecks
- Lasting Protection:
 - Permanent
 - Set time frame, with flexibility
 - Depends on purpose
- Area:
 - Designated by scientific criteria and stakeholder input
 - Consider the dynamic nature of the ocean
 - Be linked to purpose

Workshops had to provide input on successful regulations and practices from existing marine-managed areas that might be suitable for uses as templates for Council policy. Examples include:

- Western Gulf of Maine: clearly stated goal, issue specific closures
- Great Barrier Reef, Australia: multi-zoned, scientific monitoring and adaptive management

The level of success depends on the purpose of the managed area and who you are asking. Managed areas with well defined goals and areas with effective monitoring provide a good template for policy.

The Workshops also needed to identify best practices or give input on the appropriate purposes of MPAs in New England. These included:

- Protect ecology (including restore and conserve fisheries habitat and ecosystems as well as protect biodiversity)
- Research control sites
- Protect vulnerable stocks
- Protect spawning stocks
- Protect cultural resources
- Reduce bycatch
- Decrease user conflict

MPA Policy

The Council approved a MPA policy at their September 2005 meeting. The Council believes that:

- MPAs can be a useful management tool to aid in the rebuilding of depleted fish stocks, the protection of fish stocks from over-exploitation, and the protection of essential fish habitat.
- To be most effective, MPAs, once established, should be managed cooperatively with other Federal agencies to ensure adequate protection from non-fishing-related activities

- No-take marine reserves are a very specific type of MPA that should be used only in very specific circumstances when no other type of management strategy would be appropriate.

More information is available at:
www.nefmc.org/habitat

VII. Marine Mammal Tagging (David Wiley)

Due to time over-run during other sections of this meeting, David Wiley's presentation was delayed. David only provided a few brief glimpses at slides dealing with the proposed alternatives to the Transportation Separation Scheme (TSS). Analyses conducted for the proposed TSS changes suggest that moving it more northerly could help reduce the probability of ship strike on Right Whales. A detailed report will be provide by David Wiley at the next meeting of the SAC.

VIII. Public Comment

Williamson provided time for public comment. No public comment was given.

IX. 17th SAC Meeting Adjourned

The 17th SAC Meeting was Adjourned at 3:30 PM

SUMMARY of MOTIONS

9 November 2005

- *MOTION to recommend that as the regionalization moves forward, funding for the Regional Office should not cut into SBNMS programmatic funds.*
- *MOTION to have SAC members send specific comments concerning the SBNMS Condition Report to both Ben Cowie-Haskell and Craig MacDonald by December 12, 2005.*

APPENDIX A

SAC Voting Record, November 9, 2005

SBNMS SAC Action Plan Review
Voting Sheet

MOTION to recommend that as the regionalization moves forward, funding for the Regional Office should not cut into SBNMS programmatic funds.

Last	First	SAC Designation	Yea	Nay	Abstain
Casoni	David	SAC Alternate	X		
Pederson	Judy	SAC Alternate	X		
Barrett	Edward	SAC Member			X
Borrelli	Peter	SAC Member	Absent		
Brooks	Priscilla	SAC Member	X		
Cramer	Deborah	SAC Member	X		
Eldridge	William	SAC Member	X		
Asmutis-Silvia	Regina	SAC Member	X		
Gibson	Barry	SAC Member	X		
Milliken	Steve	SAC Member	X		
Weinrich	Mason	SAC Member	Absent		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member	Absent in AM		
Yozell	Sally	SAC Member	X		
Totals:			10	0	1

**SBNMS SAC Action Plan Review
Voting Sheet**

MOTION to have SAC members send specific comments concerning the SBNMS Condition Report to both Ben Cowie-Haskell and Craig MacDonald by December 12, 2005.

Last	First	SAC Designation	Yea	Nay	Abstain
Casoni	David	SAC Alternate	X		
Pederson	Judy	SAC Alternate	X		
Barrett	Edward	SAC Member	X		
Borrelli	Peter	SAC Member	Absent		
Brooks	Priscilla	SAC Member	X		
Cramer	Deborah	SAC Member	X		
Eldridge	William	SAC Member	X		
Asmutis-Silvia	Regina	SAC Member	X		
Gibson	Barry	SAC Member	X		
Milliken	Steve	SAC Member	X		
Weinrich	Mason	SAC Member	Absent		
Wheeler	Richard	SAC Member	X		
Williamson	John	SAC Member	X		
Yozell	Sally	SAC Member	X		

Totals:

12

0

0